

AMENDED IN SENATE MARCH 27, 2014

**SENATE BILL**

**No. 1093**

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**Introduced by Senator Liu**

February 19, 2014

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*An act to amend Sections 4629, 4519.5, and 4648 of the Welfare and Institutions Code, relating to developmental services.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1093, as amended, Liu. Developmental services: regional centers: culturally and linguistically competent services.

~~The~~

(1) *The* Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities. The services and supports to be provided to a regional center ~~consumer~~ *consumer, which include services and supports that are directed toward the achievement and maintenance of an independent, productive, and normal life for the consumer such as daily living skills training*, are contained in an individual program plan or individualized family service plan developed in accordance with prescribed requirements.

~~This bill would state the intent of the Legislature to enact legislation that requires regional centers to provide services in a culturally and linguistically competent manner, that reduces disparities in treatment based on racial, ethnic, and language differences that are identified by the purchase of service data, and that ensures that services are provided in the least restrictive environment, including, but not limited to, a consumer's family home. require that independent living skills services~~

*be available to adult consumers who live in the home of a parent, relative, or another person.*

*(2) Existing law requires that contracts entered into with regional centers include annual performance objectives, including annual performance objectives that are specific, measurable, and, among other things, designed to develop services and supports identified as necessary to meet identified needs. Existing law also requires that each contract with a regional center specify steps to be taken to ensure contract compliance, and, if a regional center is placed on probation pursuant to these steps, requires the department to provide the appropriate area board with a copy of the correction plan, timeline, and any other action taken by the department.*

*This bill would require that annual performance objectives, among other things, be designed to develop services and supports identified as necessary to meet identified needs, which includes culturally and linguistically appropriate services and supports. The bill would require that, if a regional center is placed on probation, the department also provide a copy of the correction plan, timeline, and any other action taken by the department to the Office of Clients' Rights Advocacy.*

*This bill would also require each regional center, in addition to those performance objectives, to develop a plan with specific and measurable objectives that include activities and timelines that will lead to an increase in the utilization of services by consumers impacted by purchase of service disparities. The bill would require a regional center to utilize a specified public process and consult with specified stakeholders in developing that plan.*

*(3) Existing law requires the department and regional centers to annually collaborate to compile specified data relating to purchase of service authorization, utilization, and expenditure by each regional center and requires that data to include the number and percentage of individuals, categorized by age, race, or ethnicity, and disability, who have been determined to be eligible for regional center services, but who are not receiving purchase of service funds. Existing law requires each regional center and the department to annually post this information on their respective Internet Web sites, as prescribed, and requires each regional center to hold annual stakeholder meetings regarding the data.*

*This bill would require the number and percentage of individuals who have been determined to be eligible for regional center services, but who are not receiving purchase of service funds, to be*

*subcategorized by residence type. The bill would also require the department and each regional center to maintain all preceding years' data on its Internet Web site. The bill would require that regional centers hold the annual stakeholder meetings regarding the data separately from a meeting of its board of directors, schedule the meetings at times and locations designed to result in a high turn out by the public and underserved communities, and, in holding the meetings, consider the language needs of the community.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4629 of the Welfare and Institutions Code  
2     is amended to read:  
3     4629. (a) The state shall enter into five-year contracts with  
4     regional centers, subject to the annual appropriation of funds by  
5     the Legislature.  
6     (b) The contracts shall include a provision requiring each  
7     regional center to render services in accordance with applicable  
8     provision of state laws and regulations.  
9     (c) (1) The contracts shall include annual performance  
10    objectives that shall do both of the following:  
11    (A) Be specific, measurable, and designed to do all of the  
12    following:  
13    (i) Assist consumers to achieve life quality outcomes.  
14    (ii) Achieve meaningful progress above the current baselines.  
15    (iii) Develop services and supports identified as necessary to  
16    meet identified ~~needs~~. *needs, including culturally and linguistically*  
17    *appropriate services and supports.*  
18    (B) Be developed through a public process as described in the  
19    department's guidelines that includes, but is not limited to, all of  
20    the following:  
21    (i) Providing information, in an understandable form, to the  
22    community about regional center services and supports, including  
23    budget information and baseline data on services and supports and  
24    regional center operations.  
25    (ii) Conducting a public meeting where participants can provide  
26    input on performance objectives and using focus groups or surveys  
27    to collect information from the community.

1 (iii) Circulating a draft of the performance objectives to the  
2 community for input prior to presentation at a regional center board  
3 meeting where additional public input will be taken and considered  
4 before adoption of the objectives.

5 (2) In addition to the performance objectives developed pursuant  
6 to this section, the department may specify in the performance  
7 contract additional areas of service and support that require  
8 development or enhancement by the regional center. In determining  
9 those areas, the department shall consider public comments from  
10 individuals and organizations within the regional center catchment  
11 area, the distribution of services and supports within the regional  
12 center catchment area, and review how the availability of services  
13 and supports in the regional area catchment area compares with  
14 other regional center catchment areas.

15 (3) *In addition to the performance objectives developed pursuant*  
16 *to this section, the department shall require each regional center*  
17 *to develop a plan with specific and measurable objectives that*  
18 *include activities and timelines that will lead to an increase in the*  
19 *utilization of services by consumers impacted by the purchase of*  
20 *service disparities identified pursuant to Sections 4519.5 and*  
21 *4519.6. In developing that plan, a regional center shall utilize the*  
22 *public process described in subparagraph (B) of paragraph (1),*  
23 *and shall consider stakeholder input from the State Council on*  
24 *Developmental Disabilities, the Office of Clients' Rights Advocacy,*  
25 *and the protection and advocacy agency described in Section 4901,*  
26 *and input gathered from meetings held pursuant to subdivision (e)*  
27 *of Section 4519.5.*

28 (d) Each contract with a regional center shall specify steps to  
29 be taken to ensure contract compliance, including, but not limited  
30 to, all of the following:

31 (1) Incentives that encourage regional centers to meet or exceed  
32 performance standards.

33 (2) Levels of probationary status for regional centers that do  
34 not meet, or are at risk of not meeting, performance standards. The  
35 department shall require that corrective action be taken by any  
36 regional center which is placed on probation. Corrective action  
37 may include, but is not limited to, mandated consultation with  
38 designated representatives of the Association of Regional Center  
39 Agencies or a management team designated by the department, or  
40 both. The department shall establish the specific timeline for the

1 implementation of corrective action and monitor its  
2 implementation. When a regional center is placed on probation,  
3 the department shall provide the appropriate area board *and the*  
4 *Office of Clients' Rights Advocacy* with a copy of the correction  
5 plan, timeline, and any other action taken by the department  
6 relating to the probationary status of the regional center.

7 (e) In order to evaluate the regional center's compliance with  
8 its contract performance objectives and legal obligations related  
9 to those objectives, the department shall do both of the following:

10 (1) Annually assess each regional center's achievement of its  
11 previous year's objectives and make the assessment, including  
12 baseline data and performance objectives of the individual regional  
13 centers, available to the public. The department may make a special  
14 commendation of the regional centers that have best engaged the  
15 community in the development of contract performance objectives  
16 and have made the most meaningful progress in meeting or  
17 exceeding contract performance objectives.

18 (2) Monitor the activities of the regional center to ensure  
19 compliance with the provisions of its contracts, including, but not  
20 limited to, reviewing all of the following:

21 (A) The regional center's public process for compliance with  
22 the procedures sets forth in paragraph (2) of subdivision (c).

23 (B) Each regional center's performance objectives for  
24 compliance with the criteria set forth in ~~paragraph~~ paragraphs (1)  
25 to (3), inclusive, of subdivision (c).

26 (C) Any public comments on regional center performance  
27 objectives sent to the department or to the regional centers, and  
28 soliciting public input on the public process and final performance  
29 standards.

30 (f) The renewal of each contract shall be contingent upon  
31 compliance with the contract including, but not limited to, the  
32 performance objectives, as determined through the department's  
33 evaluation.

34 *SEC. 2. Section 4519.5 of the Welfare and Institutions Code*  
35 *is amended to read:*

36 4519.5. (a) The department and the regional centers shall  
37 annually collaborate to compile data in a uniform manner relating  
38 to purchase of service authorization, utilization, and expenditure  
39 by each regional center with respect to all of the following:

40 (1) The age of consumer, categorized by the following:

1 (A) Birth to age two, inclusive.

2 (B) Three to 21, inclusive.

3 (C) Twenty-two and older.

4 (2) Race or ethnicity of the consumer.

5 (3) Primary language spoken by the consumer, and other related  
6 details, as feasible.

7 (4) Disability detail, in accordance with the categories  
8 established by subdivision (a) of Section 4512, and, if applicable,  
9 a category specifying that the disability is unknown.

10 (b) The data reported pursuant to subdivision (a) shall also  
11 include the number and percentage of individuals, categorized by  
12 age, race or ethnicity, and disability, *and subcategorized by*  
13 *residence type*, who have been determined to be eligible for  
14 regional center services but are not receiving purchase of service  
15 funds.

16 (c) By March 31, 2013, each regional center shall post the data  
17 described in this section that is specific to the regional center on  
18 its Internet Web site. Commencing on December 31, 2013, each  
19 regional center shall annually post this data by December 31. *Each*  
20 *regional center shall maintain all previous years' data on its*  
21 *Internet Web site.*

22 (d) By March 31, 2013, the department shall post the information  
23 described in this section on a statewide basis on its Internet Web  
24 site. Commencing December 31, 2013, the department shall  
25 annually post this information by December 31. *The department*  
26 *shall maintain all previous years' data on its Internet Web site.*  
27 The department shall also post notice of any regional center  
28 stakeholder meetings on its Internet Web site.

29 (e) Within three months of compiling the data with the  
30 department, and annually thereafter, each regional center shall  
31 meet with stakeholders in ~~a one or more public meeting~~ *meetings*  
32 *regarding the data. The meeting or meetings shall be held*  
33 *separately from a meeting held pursuant to Section 4660 and shall*  
34 *provide the report and discussion of the data and information in*  
35 *an understandable form.* Regional centers shall inform the  
36 department of the scheduling of those public meetings 30 days  
37 prior to the meeting. Notice of the meetings shall also be posted  
38 on the regional center's Internet Web site 30 days prior to the  
39 meeting and shall be sent to individual stakeholders and groups  
40 representing underserved communities in a timely manner. *Each*

1 *regional center shall, in holding the meetings required by this*  
2 *subdivision, consider the language needs of the community and*  
3 *shall schedule the meetings at times and locations designed to*  
4 *result in a high turnout by the public and underserved communities.*

5 *SEC. 3. Section 4648 of the Welfare and Institutions Code is*  
6 *amended to read:*

7 4648. In order to achieve the stated objectives of a consumer's  
8 individual program plan, the regional center shall conduct activities,  
9 including, but not limited to, all of the following:

10 (a) Securing needed services and supports.

11 (1) It is the intent of the Legislature that services and supports  
12 assist individuals with developmental disabilities in achieving the  
13 greatest self-sufficiency possible and in exercising personal  
14 choices. The regional center shall secure services and supports  
15 that meet the needs of the consumer, as determined in the  
16 consumer's individual program plan, and within the context of the  
17 individual program plan, the planning team shall give highest  
18 preference to those services and supports which would allow  
19 minors with developmental disabilities to live with their families,  
20 adult persons with developmental disabilities to live as  
21 independently as possible in the community, and that allow all  
22 consumers to interact with persons without disabilities in positive,  
23 meaningful ways.

24 (2) (A) In implementing individual program plans, regional  
25 centers, through the planning team, shall first consider services  
26 and supports in natural community, home, work, and recreational  
27 settings. Services and supports shall be flexible and individually  
28 tailored to the consumer and, where appropriate, his or her family.

29 (B) *In order to ensure that regional center services are provided*  
30 *in a culturally competent manner and available to consumers from*  
31 *diverse language, ethnic, and racial populations, independent*  
32 *living skills services shall be available to adult consumers who*  
33 *live in the home of a parent, relative, or another person.*

34 (3) A regional center may, pursuant to vendorization or a  
35 contract, purchase services or supports for a consumer from any  
36 individual or agency which the regional center and consumer or,  
37 where appropriate, his or her parents, legal guardian, or  
38 conservator, or authorized representatives, determines will best  
39 accomplish all or any part of that consumer's program plan.

1 (A) Vendorization or contracting is the process for identification,  
2 selection, and utilization of service vendors or contractors, based  
3 on the qualifications and other requirements necessary in order to  
4 provide the service.

5 (B) A regional center may reimburse an individual or agency  
6 for services or supports provided to a regional center consumer if  
7 the individual or agency has a rate of payment for vendored or  
8 contracted services established by the department, pursuant to this  
9 division, and is providing services pursuant to an emergency  
10 vendorization or has completed the vendorization procedures or  
11 has entered into a contract with the regional center and continues  
12 to comply with the vendorization or contracting requirements. The  
13 director shall adopt regulations governing the vendorization process  
14 to be utilized by the department, regional centers, vendors and the  
15 individual or agency requesting vendorization.

16 (C) Regulations shall include, but not be limited to: the vendor  
17 application process, and the basis for accepting or denying an  
18 application; the qualification and requirements for each category  
19 of services that may be provided to a regional center consumer  
20 through a vendor; requirements for emergency vendorization;  
21 procedures for termination of vendorization; the procedure for an  
22 individual or an agency to appeal any vendorization decision made  
23 by the department or regional center.

24 (D) A regional center may vendorize a licensed facility for  
25 exclusive services to persons with developmental disabilities at a  
26 capacity equal to or less than the facility's licensed capacity. A  
27 facility already licensed on January 1, 1999, shall continue to be  
28 vendorized at their full licensed capacity until the facility agrees  
29 to vendorization at a reduced capacity.

30 (E) Effective July 1, 2009, notwithstanding any other provision  
31 of law or regulation to the contrary, a regional center shall not  
32 newly vendor a State Department of Social Services licensed  
33 24-hour residential care facility with a licensed capacity of 16 or  
34 more beds, unless the facility qualifies for receipt of federal funds  
35 under the Medicaid Program.

36 (4) Notwithstanding subparagraph (B) of paragraph (3), a  
37 regional center may contract or issue a voucher for services and  
38 supports provided to a consumer or family at a cost not to exceed  
39 the maximum rate of payment for that service or support  
40 established by the department. If a rate has not been established



1 by the department, the regional center may, for an interim period,  
2 contract for a specified service or support with, and establish a  
3 rate of payment for, any provider of the service or support  
4 necessary to implement a consumer's individual program plan.  
5 Contracts may be negotiated for a period of up to three years, with  
6 annual review and subject to the availability of funds.

7 (5) In order to ensure the maximum flexibility and availability  
8 of appropriate services and supports for persons with  
9 developmental disabilities, the department shall establish and  
10 maintain an equitable system of payment to providers of services  
11 and supports identified as necessary to the implementation of a  
12 consumers' individual program plan. The system of payment shall  
13 include provision for a rate to ensure that the provider can meet  
14 the special needs of consumers and provide quality services and  
15 supports in the least restrictive setting as required by law.

16 (6) The regional center and the consumer, or where appropriate,  
17 his or her parents, legal guardian, conservator, or authorized  
18 representative, including those appointed pursuant to subdivision  
19 (d) of Section 4548, subdivision (b) of Section 4701.6, or  
20 subdivision (e) of Section 4705, shall, pursuant to the individual  
21 program plan, consider all of the following when selecting a  
22 provider of consumer services and supports:

23 (A) A provider's ability to deliver quality services or supports  
24 which can accomplish all or part of the consumer's individual  
25 program plan.

26 (B) A provider's success in achieving the objectives set forth  
27 in the individual program plan.

28 (C) Where appropriate, the existence of licensing, accreditation,  
29 or professional certification.

30 (D) The cost of providing services or supports of comparable  
31 quality by different providers, if available, shall be reviewed, and  
32 the least costly available provider of comparable service, including  
33 the cost of transportation, who is able to accomplish all or part of  
34 the consumer's individual program plan, consistent with the  
35 particular needs of the consumer and family as identified in the  
36 individual program plan, shall be selected. In determining the least  
37 costly provider, the availability of federal financial participation  
38 shall be considered. The consumer shall not be required to use the  
39 least costly provider if it will result in the consumer moving from

1 an existing provider of services or supports to more restrictive or  
2 less integrated services or supports.

3 (E) The consumer's choice of providers, or, where appropriate,  
4 the consumer's parent's, legal guardian's, authorized  
5 representative's, or conservator's choice of providers.

6 (7) No service or support provided by any agency or individual  
7 shall be continued unless the consumer or, where appropriate, his  
8 or her parents, legal guardian, or conservator, or authorized  
9 representative, including those appointed pursuant to subdivision  
10 (d) of Section 4548, subdivision (b) of Section 4701.6, or  
11 subdivision (e) of Section 4705, is satisfied and the regional center  
12 and the consumer or, when appropriate, the person's parents or  
13 legal guardian or conservator agree that planned services and  
14 supports have been provided, and reasonable progress toward  
15 objectives have been made.

16 (8) Regional center funds shall not be used to supplant the  
17 budget of any agency that has a legal responsibility to serve all  
18 members of the general public and is receiving public funds for  
19 providing those services.

20 (9) (A) A regional center may, directly or through an agency  
21 acting on behalf of the center, provide placement in, purchase of,  
22 or follow-along services to persons with developmental disabilities  
23 in, appropriate community living arrangements, including, but not  
24 limited to, support service for consumers in homes they own or  
25 lease, foster family placements, health care facilities, and licensed  
26 community care facilities. In considering appropriate placement  
27 alternatives for children with developmental disabilities, approval  
28 by the child's parent or guardian shall be obtained before placement  
29 is made.

30 (B) Effective July 1, 2012, notwithstanding any other law or  
31 regulation to the contrary, a regional center shall not purchase  
32 residential services from a State Department of Social Services  
33 licensed 24-hour residential care facility with a licensed capacity  
34 of 16 or more beds. This prohibition on regional center purchase  
35 of residential services shall not apply to any of the following:

36 (i) A residential facility with a licensed capacity of 16 or more  
37 beds that has been approved to participate in the department's  
38 Home and Community Based Services Waiver or another existing  
39 waiver program or certified to participate in the Medi-Cal program.

1 (ii) A residential facility service provider that has a written  
2 agreement and specific plan prior to July 1, 2012, with the  
3 vendoring regional center to downsize the existing facility by  
4 transitioning its residential services to living arrangements of 15  
5 beds or less or restructure the large facility to meet federal  
6 Medicaid eligibility requirements on or before June 30, 2013.

7 (iii) A residential facility licensed as a mental health  
8 rehabilitation center by the State Department of Mental Health or  
9 successor agency under any of the following circumstances:

10 (I) The facility is eligible for Medicaid reimbursement.

11 (II) The facility has a department-approved plan in place by  
12 June 30, 2013, to transition to a program structure eligible for  
13 federal Medicaid funding, and this transition will be completed by  
14 June 30, 2014. The department may grant an extension for the date  
15 by which the transition will be completed if the facility  
16 demonstrates that it has made significant progress toward transition,  
17 and states with specificity the timeframe by which the transition  
18 will be completed and the specified steps that will be taken to  
19 accomplish the transition. A regional center may pay for the costs  
20 of care and treatment of a consumer residing in the facility on June  
21 30, 2012, until June 30, 2013, inclusive, and, if the facility has a  
22 department-approved plan in place by June 30, 2013, may continue  
23 to pay the costs under this subparagraph until June 30, 2014, or  
24 until the end of any period during which the department has granted  
25 an extension.

26 (III) There is an emergency circumstance in which the regional  
27 center determines that it cannot locate alternate federally eligible  
28 services to meet the consumer's needs. Under such an emergency  
29 circumstance, an assessment shall be completed by the regional  
30 center as soon as possible and within 30 days of admission. An  
31 individual program plan meeting shall be convened immediately  
32 following the assessment to determine the services and supports  
33 needed for stabilization and to develop a plan to transition the  
34 consumer from the facility into the community. If transition is not  
35 expected within 90 days of admission, an individual program plan  
36 meeting shall be held to discuss the status of transition and to  
37 determine if the consumer is still in need of placement in the  
38 facility. Commencing October 1, 2012, this determination shall  
39 be made after also considering resource options identified by the  
40 statewide specialized resource service. If it is determined that

1 emergency services continue to be necessary, the regional center  
2 shall submit an updated transition plan that can cover a period of  
3 up to 90 days. In no event shall placements under these emergency  
4 circumstances exceed 180 days.

5 (C) (i) Effective July 1, 2012, notwithstanding any other law  
6 or regulation to the contrary, a regional center shall not purchase  
7 new residential services from, or place a consumer in, institutions  
8 for mental disease, as described in Part 5 (commencing with  
9 Section 5900) of Division 5, for which federal Medicaid funding  
10 is not available. Effective July 1, 2013, this prohibition applies  
11 regardless of the availability of federal funding.

12 (ii) The prohibition described in clause (i) shall not apply to  
13 emergencies, as determined by the regional center, when a regional  
14 center cannot locate alternate services to meet the consumer's  
15 needs. As soon as possible within 30 days of admission due to an  
16 emergency, an assessment shall be completed by the regional  
17 center. An individual program plan meeting shall be convened  
18 immediately following the assessment, to determine the services  
19 and supports needed for stabilization and to develop a plan to  
20 transition the consumer from the facility to the community. If  
21 transition is not expected within 90 days of admission, an  
22 emergency program plan meeting shall be held to discuss the status  
23 of the transition and to determine if the consumer is still in need  
24 of placement in the facility. If emergency services continue to be  
25 necessary, the regional center shall submit an updated transition  
26 plan to the department for an extension of up to 90 days. Placement  
27 shall not exceed 180 days.

28 (iii) To the extent feasible, prior to any admission, the regional  
29 center shall consider resource options identified by the statewide  
30 specialized resource service established pursuant to subdivision  
31 (b) of Section 4418.25.

32 (iv) The clients' rights advocate shall be notified of each  
33 admission and individual program planning meeting pursuant to  
34 this subparagraph and may participate in all individual program  
35 planning meetings unless the consumer objects on his or her own  
36 behalf.

37 (v) Regional centers shall complete a comprehensive assessment  
38 of any consumer residing in an institution for mental disease as of  
39 July 1, 2012, for which federal Medicaid funding is not available,  
40 and for any consumer residing in an institution for mental disease

1 as of July 1, 2013, without regard to federal funding. The  
2 comprehensive assessment shall be completed prior to the  
3 consumer's next scheduled individual program plan meeting and  
4 shall include identification of the services and supports needed  
5 and the timeline for identifying or developing those services needed  
6 to transition the consumer back to the community. Effective  
7 October 1, 2012, the regional center shall also consider resource  
8 options identified by the statewide specialized resource service.  
9 For each individual program plan meeting convened pursuant to  
10 this subparagraph, the clients' rights advocate for the regional  
11 center shall be notified of the meeting and may participate in the  
12 meeting unless the consumer objects on his or her own behalf.

13 (D) Each person with developmental disabilities placed by the  
14 regional center in a community living arrangement shall have the  
15 rights specified in this division. These rights shall be brought to  
16 the person's attention by any means necessary to reasonably  
17 communicate these rights to each resident, provided that, at a  
18 minimum, the Director of Developmental Services prepare,  
19 provide, and require to be clearly posted in all residential facilities  
20 and day programs a poster using simplified language and pictures  
21 that is designed to be more understandable by persons with  
22 cognitive disabilities and that the rights information shall also be  
23 available through the regional center to each residential facility  
24 and day program in alternative formats, including, but not limited  
25 to, other languages, braille, and audio tapes, when necessary to  
26 meet the communication needs of consumers.

27 (E) Consumers are eligible to receive supplemental services  
28 including, but not limited to, additional staffing, pursuant to the  
29 process described in subdivision (d) of Section 4646. Necessary  
30 additional staffing that is not specifically included in the rates paid  
31 to the service provider may be purchased by the regional center if  
32 the additional staff are in excess of the amount required by  
33 regulation and the individual's planning team determines the  
34 additional services are consistent with the provisions of the  
35 individual program plan. Additional staff should be periodically  
36 reviewed by the planning team for consistency with the individual  
37 program plan objectives in order to determine if continued use of  
38 the additional staff is necessary and appropriate and if the service  
39 is producing outcomes consistent with the individual program plan.

1 Regional centers shall monitor programs to ensure that the  
2 additional staff is being provided and utilized appropriately.

3 (10) Emergency and crisis intervention services including, but  
4 not limited to, mental health services and behavior modification  
5 services, may be provided, as needed, to maintain persons with  
6 developmental disabilities in the living arrangement of their own  
7 choice. Crisis services shall first be provided without disrupting a  
8 person's living arrangement. If crisis intervention services are  
9 unsuccessful, emergency housing shall be available in the person's  
10 home community. If dislocation cannot be avoided, every effort  
11 shall be made to return the person to his or her living arrangement  
12 of choice, with all necessary supports, as soon as possible.

13 (11) Among other service and support options, planning teams  
14 shall consider the use of paid roommates or neighbors, personal  
15 assistance, technical and financial assistance, and all other service  
16 and support options which would result in greater self-sufficiency  
17 for the consumer and cost-effectiveness to the state.

18 (12) When facilitation as specified in an individual program  
19 plan requires the services of an individual, the facilitator shall be  
20 of the consumer's choosing.

21 (13) The community support may be provided to assist  
22 individuals with developmental disabilities to fully participate in  
23 community and civic life, including, but not limited to, programs,  
24 services, work opportunities, business, and activities available to  
25 persons without disabilities. This facilitation shall include, but not  
26 be limited to, any of the following:

27 (A) Outreach and education to programs and services within  
28 the community.

29 (B) Direct support to individuals which would enable them to  
30 more fully participate in their community.

31 (C) Developing unpaid natural supports when possible.

32 (14) When feasible and recommended by the individual program  
33 planning team, for purposes of facilitating better and cost-effective  
34 services for consumers or family members, technology, including  
35 telecommunication technology, may be used in conjunction with  
36 other services and supports. Technology in lieu of a consumer's  
37 in-person appearances at judicial proceedings or administrative  
38 due process hearings may be used only if the consumer or, when  
39 appropriate, the consumer's parent, legal guardian, conservator,  
40 or authorized representative, gives informed consent. Technology

1 may be used in lieu of, or in conjunction with, in-person training  
2 for providers, as appropriate.

3 (15) Other services and supports may be provided as set forth  
4 in Sections 4685, 4686, 4687, 4688, and 4689, when necessary.

5 (16) Notwithstanding any other provision of law or regulation  
6 to the contrary, effective July 1, 2009, regional centers shall not  
7 purchase experimental treatments, therapeutic services, or devices  
8 that have not been clinically determined or scientifically proven  
9 to be effective or safe or for which risks and complications are  
10 unknown. Experimental treatments or therapeutic services include  
11 experimental medical or nutritional therapy when the use of the  
12 product for that purpose is not a general physician practice. For  
13 regional center consumers receiving these services as part of their  
14 individual program plan (IPP) or individualized family service  
15 plan (IFSP) on July 1, 2009, this prohibition shall apply on August  
16 1, 2009.

17 (b) (1) Advocacy for, and protection of, the civil, legal, and  
18 service rights of persons with developmental disabilities as  
19 established in this division.

20 (2) Whenever the advocacy efforts of a regional center to secure  
21 or protect the civil, legal, or service rights of any of its consumers  
22 prove ineffective, the regional center or the person with  
23 developmental disabilities or his or her parents, legal guardian, or  
24 other representative may request the area board to initiate action  
25 under the provisions defining area board advocacy functions  
26 established in this division.

27 (c) The regional center may assist consumers and families  
28 directly, or through a provider, in identifying and building circles  
29 of support within the community.

30 (d) In order to increase the quality of community services and  
31 protect consumers, the regional center shall, when appropriate,  
32 take either of the following actions:

33 (1) Identify services and supports that are ineffective or of poor  
34 quality and provide or secure consultation, training, or technical  
35 assistance services for any agency or individual provider to assist  
36 that agency or individual provider in upgrading the quality of  
37 services or supports.

38 (2) Identify providers of services or supports that may not be  
39 in compliance with local, state, and federal statutes and regulations

1 and notify the appropriate licensing or regulatory authority, or  
2 request the area board to investigate the possible noncompliance.

3 (e) When necessary to expand the availability of needed services  
4 of good quality, a regional center may take actions that include,  
5 but are not limited to, the following:

6 (1) Soliciting an individual or agency by requests for proposals  
7 or other means, to provide needed services or supports not presently  
8 available.

9 (2) Requesting funds from the Program Development Fund,  
10 pursuant to Section 4677, or community placement plan funds  
11 designated from that fund, to reimburse the startup costs needed  
12 to initiate a new program of services and supports.

13 (3) Using creative and innovative service delivery models,  
14 including, but not limited to, natural supports.

15 (f) Except in emergency situations, a regional center shall not  
16 provide direct treatment and therapeutic services, but shall utilize  
17 appropriate public and private community agencies and service  
18 providers to obtain those services for its consumers.

19 (g) Where there are identified gaps in the system of services  
20 and supports or where there are identified consumers for whom  
21 no provider will provide services and supports contained in his or  
22 her individual program plan, the department may provide the  
23 services and supports directly.

24 (h) At least annually, regional centers shall provide the  
25 consumer, his or her parents, legal guardian, conservator, or  
26 authorized representative a statement of services and supports the  
27 regional center purchased for the purpose of ensuring that they are  
28 delivered. The statement shall include the type, unit, month, and  
29 cost of services and supports purchased.

30 ~~SECTION 1. It is the intent of the Legislature to enact~~  
31 ~~legislation that does all of the following:~~

32 ~~(a) Requires regional centers to provide services in a culturally~~  
33 ~~and linguistically competent manner.~~

34 ~~(b) Reduces disparities in treatment based on racial, ethnic, and~~  
35 ~~language differences that are identified by the purchase of service~~  
36 ~~data.~~

37 ~~(c) Ensures that services are provided in the least restrictive~~  
38 ~~environment, including, but not limited to, a consumer's family~~  
39 ~~home.~~



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